

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL TEKLEMARIAM HAGOS,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,

Defendant.

CASE NO. 2:24-cv-293

ORDER ADOPTING THE REPORT
AND RECOMMENDATION

This matter comes before the Court on United States Magistrate Judge Brian Tsuchida's Report and Recommendation. Dkt. No. 8. Judge Tsuchida recommends that this Court dismiss Plaintiff's 42 U.S.C. § 1983 civil rights complaint against the Washington State Department of Corrections ("DOC") because the DOC is not a person who can be sued under Section 1983. Dkt. No. 8 at 1. Additionally, the complaint fails to state a claim and is duplicative of earlier lawsuits. *Id.* at 2.

No one has objected to the R&R and the time for objecting has passed. *See generally* Dkt. Because there were no objections, the Court may adopt the R&R if it is satisfied there are no clear errors on the face of the record. Fed. R. Civ. P. 72(b) Advisory Committee's Note to 1983 Amendment. The Court agrees with Judge

1 Tsuchida's reasoning that this case be dismissed without leave to amend because
2 this case is duplicative of earlier lawsuits and because no amendment can cure the
3 fact that DOC cannot be sued under Section 1983.

4 Based on its review of the R&R and the remaining record, the Court finds
5 and ORDERS:

- 6 1) The Court ADOPTS the R&R. Dkt. No. 8.
7 2) The case is DISMISSED with prejudice.
8 3) The Clerk is directed to send a copy of this Order to Plaintiff.

9 Dated this 2nd day of April, 2024.

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12 Jamal N. Whitehead
13 United States District Judge
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